

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 05, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:24-CR-06008-MKD

Plaintiff,

ORDER GRANTING STIPULATION
FOR PROTECTIVE ORDER
REGARDING IDENTIFICATION OF
MINOR VICTIM PURSUANT TO 18
U.S.C. § 3509

v.

ANDREW STEVEN OTTO,

Defendant.

ECF Nos. 12, 13

Before the Court is the parties' Stipulation for Protective Order Regarding Identification of Minor Victim Pursuant to 18 U.S.C. § 3509, ECF No. 12, and related Motion to Expedite, ECF No. 13. Given the nature of the allegations in this case, the parties move to impose privacy protection measures pursuant to 18 U.S.C. § 3509. The Court has reviewed the record and the motions and finds good cause to grant the motions.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulation for Protective Order Regarding Identification of Minor Victim Pursuant to 18 U.S.C. § 3509, **ECF No. 12**, is **GRANTED**.

1 2. The related Motion to Expedite, **ECF No. 13**, is **GRANTED**.

2 3. The privacy protection measures mandated by 18 U.S.C. § 3509(d),
3 which apply when a case involves a person under the age of eighteen years who is
4 alleged to be a victim of a crime of sexual exploitation, or a witness to a crime
5 committed against another person, apply to this case.

6 4. All persons acting in this case in a capacity described in 18 U.S.C. §
7 3509(d)(1)(B), shall:

8 a. Keep all documents that disclose the names, identities, personal
9 identifying information (“PII”) or any other information concerning
10 minors in a secure place to which no person who does not have reason
11 to know their contents has access;

12 b. Disclose such documents or the information in them that
13 concerns minors only to persons who, by reason of their participation
14 in the proceeding, have reason to know such information;

15 c. Not permit Defendant to review discovery outside the presence
16 of defense counsel or a defense investigator;

17 d. Not permit Defendant to keep discovery in their own possession
18 outside the presence of defense counsel or a defense investigator; and

19 e. Not permit Defendant to keep, copy, or record the identities of
20 any minor or victim identified in discovery in this case.

1 5. All papers to be filed in Court that disclose the names or any other
2 information identifying or concerning minors shall be filed under seal without
3 necessity of obtaining a Court order, and that the person who makes the filing shall
4 submit to the Clerk of the Court:

5 a. the complete paper to be kept under seal; and
6 b. the paper with the portions of it that disclose the name of or
7 other information concerning a child redacted, to be placed in the
8 public record.

9 6. The parties and the witnesses shall not disclose minors' identities
10 during any proceedings connected with this case. The parties and witnesses will
11 refer to alleged minor victims only by using agreed-upon initials or pseudonyms
12 (e.g., "Minor Victim 1"), rather than their bona fide names, in motions practice,
13 opening statements, during the presentation of evidence, in closing arguments, and
14 during sentencing.

15 7. The United States may produce discovery to Defendant that discloses
16 the bona fide identity, images, and PII of the alleged minor victim, in order to
17 comply with the United States' discovery obligations. Defendant, the defense
18 team, Defendant's attorney and investigator, and all of their externs, employees,
19 and/or staff members, shall keep this information confidential as set forth above.

20 8. This Order shall apply to any attorneys who subsequently become

counsel of record, without the need to renew or alter the Order.

9. This Order shall apply to the bona fide identity, images, and PII of any minors who are identified over the course of the case, whether or not such minors are known to the United States and/or Defendant at the time the Order is entered by the Court.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED July 5, 2024.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE